REMARKS

Drawings

In response to the Examiner's objection to FIG. 3, Applicant amends the specification to refer to reference number **162**.

Section 102 rejection

As best understood by Applicant, the Examiner considers the copy file **123** shown in FIG. 4 of *Noritomi*[1] to be a listing of viewing assets ranked according to a priority of the viewing assets.

Applicant draws attention to *Noritomi*'s own description of the copy file **123** as including

> "No. [300][2] indicative of an order of transmission of the video programs from the cache server **5** to users"[3]

Evidently, in *Noritomi*, the video programs that have the highest priority are those that were transmitted earliest.[4]

Applicant points out that the priority disclosed in *Noritomi* is not a priority of the video asset itself. It is in fact a priority associated with a particular *location* in the copy file. That a video asset temporarily finds itself at the top of the list in FIG. 4 is simply a fortuitous result of its having been transmitted earlier than other video assets listed in the copy file **123**. Nothing in *Noritomi* precludes the possibility of the video asset at the top of the list from re-appearing some time later at the bottom of the list. Nor does anything preclude that video asset from being at the top of the list at one control PC **1**, but being at the bottom of the list in copy files **123** maintained by other control PC's 1 connected to the copy manager **2**.[5]

Accordingly, *Noritomi* fails to teach or suggest determining "a priority to propagate a selected asset." Instead, what *Noritomi* teaches is determining that an asset has somehow

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[1] *Noritomi*, U.S. Patent No. 6,473,902.
[2] The reference numerals for FIGS. 3 and 4 of *Noritomi* appear to have been swapped. For the Examiner's convenience, Applicant refers to what are believed to be the intended numbers.
[3] *Noritomi*, col. 5, lines 34-36.
[4] *Noritomi*, col. 5, lines 52-53 ("The video programs listed at the top of the copy file **123** have higher priority").
[5] *Noritomi*, col. 3, lines 66-67 ("The copy manager **2** is also a personal computer connected normally to a plurality of the control PC's **1**").

fallen into a high priority slot in a list. In *Noritomi*, assets are copied without regard to an *inherent value* of the asset itself.

By way of analogy, the listing of assets in FIG. 4 is like a queue to reach a bank teller's window. The next person in the queue may be an unruly customer who is known to carp at bank tellers when given bills that are insufficiently crisp. Nevertheless, that person will be served before the customer behind him, even if that next customer is about to deposit his lottery winnings in a low-interest savings account. This occurs because the "priority" of a customer attaches to his *place* in the queue, and *not* to the customer. The same is true in FIG. 4. Priority attaches not to the video asset itself, but to its place in a queue.

Similar limitations can be found in claims 12, 20, 26, 30, 56, and 70, all of which are rejected as being anticipated by *Noritomi*. Accordingly, the foregoing distinction applies to those claims as well.

All claims dependent on claims 1, 12, 20, 25, 30, 56, and 70 include the limitations of their respective parent claims, and are allowable for at least the same reasons.

Section 103 rejection

Claims 34, 41, and 47 are directed to computer-readable media for carrying out processes recited in the process claims. These claims are allegedly rendered obvious by *Noritomi*.

In response, Applicant reiterates the arguments set forth in connection with the section 102 rejection of the claims. All claims dependent on claims 34, 41, and 47 contain all limitations of their respective parent claims, and are therefore allowable for at least the same reasons.

Claim 51 stands rejected as being rendered obvious by the combination of *Noritomi* and *Ong*.[6]

Claim 51 also includes limitations like those described above in connection with the section 102 rejection. This limitation is not taught by *Noritomi*. Nor is this deficiency in the teaching of *Noritomi* addressed by *Ong*.

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[6] *Ong*, U.S. Patent No. 5,815,662.

Accordingly, Applicant submits that claim 51, and all claims dependent thereon, are patentable for at least the reasons described in connection with the section 102 rejection.

Applicant encloses a fee for a one-month extension. No other fees are believed to be due in connection with the filing of this response. However, to the extent fees are due, or if a refund is forthcoming, please adjust our deposit account No. 06-1050.

Respectfully submitted,

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